

**UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF TEXAS,  
ABILENE DIVISION**

	§ No.
EMMANUEL AND ROSE JARRELL,	§
	§
Plaintiff,	§
	§
v.	§
	§
IC SYSTEMS, INC.,	§
	§
Defendant.	§
	§

**PLAINTIFFS' COMPLAINT AND DEMAND FOR JURY TRIAL**

EMMANUEL AND ROSE JARRELL (Plaintiffs), through their attorneys, KROHN & MOSS, LTD., alleges the following against IC SYSTEMS, INC. (Defendant):

**INTRODUCTION**

1. Plaintiffs' Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

**JURISDICTION AND VENUE**

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
4. Defendant conducts business in the State of Texas, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1331(b)(1)*.
6. Declaratory relief is available pursuant to *28 U.S.C. 2201 and 2202*.

## **PARTIES**

7. Plaintiff is a natural person residing at 129 Packs Saddle Pass, Abilene, Texas 79602.
8. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
9. Defendant is an alleged debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
10. Defendant is a national debt collection company with its main office located in St. Paul, Minnesota and it conducts business in Texas.

## **FACTUAL ALLEGATIONS**

11. Defendant constantly and continuously placed collection calls to Plaintiffs seeking and demanding payment for an alleged consumer debt.
12. Defendant contacted Plaintiffs at telephone number (325) 691-0660.
13. Defendant contacted Plaintiffs from telephone number (202) 367-9287. (See Exhibit "A").
14. Defendant talked to Plaintiff in an abusive and harassing manner.
15. Defendant communicated to a third party, Plaintiff's daughter, that Plaintiffs allegedly owe a debt.
16. Defendant's representatives threatened to contact Plaintiff, ROSE JARRELL'S school, and threatened to have Plaintiff, ROSE JARRELL kicked out of school by calling the school and informing them that she is a criminal.
17. Defendant's representative threatened to send an investigator to talk to Plaintiff's neighbors to tell them they were criminals.

## **COUNT I**

**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

18. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which was to harass, oppress, and abuse Plaintiff.
- b. Defendant violated §1692d(5) of the FDCPA when Defendant caused Plaintiff's telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.
- c. Defendant violated §1692e(5) of the FDCPA by threatening to take action that cannot legally be taken or is not intended to be taken.
- d. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt.

WHEREFORE, Plaintiffs, EMMANUEL AND ROSE JARRELL, respectfully request judgment be entered against Defendant, IC SYSTEMS, INC., for the following:

19. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act,

*1692k,*

21. Actual damages,

22. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*

23. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

Dated: February 2, 2010

By: s/Michael S. Agruss

Michael S. Agruss, Esq.  
Attorneys for Plaintiff  
Krohn & Moss, Ltd.  
10474 Santa Monica Blvd.  
Suite 401  
Los Angeles, CA 90025

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiffs, EMMANUEL AND ROSE JARRELL demand a jury trial in this case.

**VERIFICATION OF COMPLAINT AND CERTIFICATION**

STATE OF TEXAS

Plaintiff, EMMANUEL JARRELL, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, EMMANUEL JARRELL, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

2-17-10

Date

  
EMMANUEL JARRELL**VERIFICATION OF COMPLAINT AND CERTIFICATION**

PLAINTIFFS' COMPLAINT AND DEMAND FOR JURY TRIAL

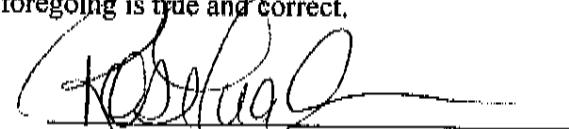
## STATE OF TEXAS

Plaintiff, ROSE JARRELL, states the following:

8. I am the Plaintiff in this civil proceeding.
9. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
10. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
11. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
12. I have filed this Complaint in good faith and solely for the purposes set forth in it.
13. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
14. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, ROSE JARRELL, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

2/17/10  
Date

  
ROSE JARRELL